

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/11/10

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MICHAEL A. CARTER and MEREDITH CARTER,
Plaintiffs,

-v-

36 HUDSON ASSOCIATES, LLC, JOSEPH PELL
LOMBARDI & ASSOCIATES, ARCHITECTS,
JOSEPH PELL LOMBARDI, TRIBECA 22
INVESTMENT LTD., SERVET HARUNOGLU,
ONURHAN HOMRIS, and ADG ARCHITECTURE &
DESIGN, P.C.,

Defendants.

09 Civ. 4328 (DLC)

-----X
36 HUDSON ASSOCIATES, LLC,
Third-Party
Plaintiff,

ORDER

-v-

FBR CONSTRUCTION GROUP LLC and JAY
FURMAN,

Third-Party
Defendants.

-----X
FBR CONSTRUCTION GROUP LLC and JAY
FURMAN,

Fourth-Party
Plaintiffs,

-v-

L'ABBAYE REAL ESTATE, LLC, DAMO
CONSTRUCTION CO, INC., and ZR
CONTINENTAL CORP.,

Fourth-Party
Defendants.

-----X

DENISE COTE, District Judge:

In letters of August 3 and August 9, 2010, 36 Hudson Associates, LLC ("36 Hudson") and FBR Construction Group and Jay Furman ("the FBR Parties") request the Court's assistance in the drafting of a stipulation which would assist them in eliminating duplicative litigation in concurrent state and federal lawsuits. 36 Hudson had offered to enter such a stipulation when it opposed the motion by the FBR Parties requesting that this Court abstain from exercising jurisdiction over 36 Hudson's claims against it. The June 17, 2010 Opinion denying the motion relied in part on 36 Hudson's proffered stipulation. Carter v. 36 Hudson Assocs., LLC, No. 09 Civ. 4328(DLC), 2010 WL 2473834, at *4 (S.D.N.Y. June 17, 2010). Having considered the parties' recent correspondence with the Court, it is hereby

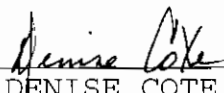
ORDERED that the parties shall discuss with each other executing a stipulation in which 36 Hudson, in sum and substance, agrees that it shall not raise in state court any claims it may have against the FBR Parties for damages arising from the failure to keep the Temporary Certificate of Occupancy in effect starting in January 2009.

IT IS FURTHER ORDERED that, in the event the parties are unable to agree on a stipulation, that there shall be a

telephone conference with the Court on **August 23 at 11:00 am.**

SO ORDERED:

Dated: New York, New York
August 11, 2010



DENISE COTE
United States District Judge